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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,162	01/20/2004	David R. Arnold	1566	2557

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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,162

Applicant(s)

ARNOLD ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election

This application contains claims directed to the following patentably distinct species of the claimed invention:

I. Figures 1-4c.

II. Figure 5

III. Figure 6-7a

Figures 8 and 9 are prior art.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Markell Seitzman on April 20, 2005 a provisional election was made without traverse to prosecute the invention of species I, claims 1-6, and 9-13. Applicant in replying to this Office action must make affirmation of this election. Claims 7 and 14-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Regarding claim 7, this claim is directed to species II. Regarding claims 14-16, these claims are directed to species III.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "53" as described in the specification (see claim 5 and paragraph 025).

The drawings are objected to because reference character 30 appears twice in Figure 4b. Also "30" points to the wrong place in Fig. 4b. Reference characters "32" and "33" also point in the wrong place in Figure 6, see Fig. 1 to find out where the references should point.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both a bolt with one head configuration (Fig. 1b) and a bolt with a second head configuration (Figure 5).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "130" has been used to designate both an opening being hexagonal (Fig. 1) and an opening being round (Fig. 5).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both a plate with recesses (Fig. 1) and a plate without recesses but rivet holes (Fig. 5).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-6 and 9-13 are objected to because of the following informalities:

regarding claim 1, "20" in line 1 should be enclosed in parenthesis, and "its" in line 9 should be --a--

regarding claims 2-6 and 9-13, "device" in line 1 should be --anchor--;

regarding claims 3, 4, and 6, --blocking-- needs to be inserted after "resilient" in line 2 of claim 3; in line 1 of claim 4, and in line 4 of claim 6;

regarding claim 9, --a-- needs to be inserted after "or" in line 4;

regarding claim 10, "cavity" needs to be replaced with --recess-- to provide antecedent basis to line 5 of claim 10, and lines 3 and 4 of claim 11; and,

regarding claim 13, "the motion" in line 1 should be --a- motion--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the limitation "a corresponding side" in line 6 makes unclear whether the corresponding side is a different side than the first side and the second side recited in line 3, or making reference to the sides in line 3.

Regarding claim 8, the claim depends from claim 5 and therefore is indefinite.

Regarding claim 9, it is unclear whether applicant is claiming the fastener as the claim further defines the shoulder of the fastener.

Regarding claim 10, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claims unclear. The preamble clearly indicated that the quick connect anchor is "for attachment to a cooperating fastener". However, the body of the claim positively recites "the fastener" by being further limited in lines 1-2, which indicates the claims as being drawn to a combination of the "quick connect anchor" and "the fastener". Therefore, applicant must clarify what the claims are intended to be drawn to, i.e., either the "quick connect anchor" alone or in combination with the "fastener", and present the claims with the language which is consistent with the invention.

Regarding claims 11 and 12, the claims depend from claim 10 and therefore are indefinite.

Regarding claim 13, what is the rear edge from?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pelz, 5,051,021.

Regarding claim 1, Pelz discloses, in Figures 1-5, a quick connect anchor comprising a plate **3** and a blocking member **5**. Applicant should note that the plate **3** is configured to be placed over a fastener **4**.

Regarding claim 2, the anchor further including a motion stop **9**.

Regarding claim 3, the motion stop **9** is formed from a portion of the blocking member **5**.

Regarding claim 9 (see marked-up attachment), the plate **3** includes an opening **A14** a having a large diameter portion **A15** of sufficient size, and a small diameter portion **A16**.

Regarding claim 10, Pelz discloses, the anchor, in combination with the fastener **4**. The fastener includes a head **6** having a recess in a top surface thereof (see col. 3, lines 21-25). The blocking member **5** includes a bridge **A21** including a center portion **A22**. The center portion **A22** has a depression **9**.

Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Struck, 3,626,556.

Regarding claim 1, Struck discloses, in Figures 2-8, a quick connect anchor comprising a plate **30** and a blocking member **31**. Applicant should note that the plate **30** is configured to be placed over a fastener **4**.

Regarding claim 4, the blocking member **31** is configured to be snap-fit upon portions of the plate **30**.

Regarding claim 5, the blocking member **31** comprises a bridge **70**, a first leg **54**, and a second leg **55**. The bridge **70** extends between a first side **53** and a second side

(opposite the first side) of the plate **30**. The first leg **54** and the second leg **55** are respectively received in a snap-fit manner upon the sides.

Regarding claim 6, the blocking member **31** comprises a bridge **70** extending between a first side **53** and a second side (opposite the first side **53**) of the plate **30**. The blocking member **31** further includes a first leg **54** and a second leg **55** fixedly received upon a corresponding plate side.

Claims 1, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn, 4,866,900.

Regarding claim 1, Dunn discloses, in Figure 1, a quick connect anchor comprising a plate **14** and a blocking member **13**. Applicant should note that the plate is configured to be placed over a fastener.

Regarding claim 5, the blocking member **13** comprises a bridge **22**, a first leg **24**, and a second leg **24**. The bridge **22** extends between a first side **35** and a second side **35** of the plate **14**. The first leg **24** and the second leg **24** are respectively received in a snap-fit manner upon the sides.

Regarding claim 8, the first leg **24** and the second leg **24** terminate in a hook **46,47** received within recess **30** of the sides of the plate **14**.

Allowable Subject Matter

Claims 11-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 11, the prior art fails to disclose or suggest a quick connect anchor, in combination with a fastener, comprising a motion stop extending from the center portion and further into a recess of the fastener than a depression extends into the recess of the fastener;

regarding claim 12, the prior art fails to disclose or suggest a quick connect anchor, in combination with a fastener, comprising a center portion of a bridge of a resilient blocking member, being one-half of a semicircle; and,

regarding claim 13, this claim depends from claim 12.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smuda shows a similar quick connect anchor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272- 7087. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

April 22, 2005

Attachments: one marked-up page of Pelz, 5,051,021

Daniel P Stodola

DANIEL P. STODOLA
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TECHNOLOGY CENTER 3600

Pelz, 5,051,021

